

IAP6 Rec'd PCT/PTO 30 MAR 2006

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Approved for use through 3/31/2007. OMB 0651-0021

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER FISHER-Z-PCT-US
INTERNATIONAL APPLICATION NO. PCT/AU2004/001330	INTERNATIONAL FILING DATE 28 September 2004 (28.09.2004)	U.S. APPLICATION NO. (IF KNOWN) SEE 37 CFR 1.5 09/974255
TITLE OF INVENTION: MANUFACTURE OF CHOCOLATE PRODUCTS		PRIORITY DATE CLAIMED 01 October 2003
APPLICANT(S) FOR DO/EO/US: Nathaniel Gordon Lucas, John Wesley Taylor		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none">1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.4. <input checked="" type="checkbox"/> The US has been elected (Article 31).5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto.b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> has been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11. to 20. below concern document(s) or information included:		
<ol style="list-style-type: none">11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.13. <input checked="" type="checkbox"/> A preliminary amendment.14. <input type="checkbox"/> An application Data Sheet under 37 CFR 1.76.15. <input type="checkbox"/> A substitute specification.16. <input type="checkbox"/> A power of attorney and/or change of address letter.17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with pct rule 13ter.2 and 37 CFR 1.821-1.825.18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).19. <input type="checkbox"/> A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).20. <input type="checkbox"/> Other items or information:		

SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Page 1 of 2

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.5) 10/574255		INTERNATIONAL APPLICATION NO. PCT/AU2004/001330	ATTORNEY'S DOCKET NUMBER FISHER-Z-PCT-US
The following fees are submitted:		<input checked="" type="checkbox"/> CALCULATIONS PTO use only	
21. <input checked="" type="checkbox"/> Basic national fee		\$300.00	\$300.00
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)		\$100.00	\$200.00
All other situations		\$200.00	
23. <input checked="" type="checkbox"/> Search fee			
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$100.00	
International Search Report prepared and provided to the Office		\$400.00	\$500.00
All other situations		\$500.00	
TOTAL OF 21, 22 and 23 =		\$1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		\$	
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
43 -100 =	0/50 =		x \$250.00 \$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$.	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total Claims 20	20-20=	0	x \$ 50.00 \$ 0.00
Independent Claims 2	2-3=	0	x \$200.00 \$0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360.00 \$	
		TOTAL OF ABOVE CALCULATION = \$1,000.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$500.00	
		SUBTOTAL = \$500.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+\$	
		TOTAL NATIONAL FEE = \$ 500.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+ \$	
		TOTAL FEES ENCLOSED = \$500.00	
Amount to be refunded:		\$	
Amount to be charged:		\$	
<p>a. <input checked="" type="checkbox"/> A check in the amount of <u>\$500.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit No. <u>08-3150</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>			
<p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p>			
<p>SEND ALL CORRESPONDENCE TO:</p> <p><i>Daniel J. Hudak, Jr.</i> SIGNATURE</p>			
<p>Daniel J. Hudak, Jr. Hudak Shunk & Farine Co. LPA 2020 Front Street, Suite 307 Cuyahoga Falls, Ohio 44221 Tel: (330) 535-2220 Fax: (330) 535-1435</p>			
<p>47,669 REGISTRATION NUMBER</p>			

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RECEIVED MAILING 30 MARCH 2006

**CERTIFICATE UNDER 37 C.F.R. § 1.10 OF MAILING
BY "EXPRESS MAIL"**

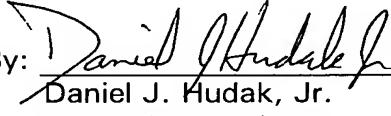
Applicant: Nathaniel Gordon Lucas, et al.
International Application No.: PCT/AU2004/001330
International Filing Date: 28 September 2004
Title: MANUFACTURE OF CHOCOLATE PRODUCTS
Agent's Reference No.: FISHER-Z-PCT-US
Date: March 30, 2006

EXPRESS MAIL RECEIPT NO.: EV 729416202 US

DATE OF DEPOSIT: March 30, 2006

The undersigned hereby certifies that the attached papers were deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

HUDAK, SHUNK & FARINE CO. LPA

By: 

Daniel J. Hudak, Jr.
Agent for Applicant

DJHjr/lb

Enclosures: Express Mail Certification
Return postcard
Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US)
Concerning a filing under 35 USC §371 (in duplicate)
Filing Fee by check of \$500.00
Unexecuted Declaration for Utility or Design Patent Application
Copy of International Application Published under the PCT
WO 2005/029971 A1 (45 pages including 17 pages of drawings)
with copy of International Search Report – 2 pages
Copy of PCT Request – 5 pages
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Preliminary Amendment
Information Disclosure Statement, Form PTO-1449 and 3 refs.
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